



---

## 2008 Decisions

---

## Opinions of the United States Court of Appeals for the Third Circuit

7-18-2008

# Iannone v. JC Penney Co

Follow this and additional works at: [https://digitalcommons.law.villanova.edu/thirdcircuit\\_2008](https://digitalcommons.law.villanova.edu/thirdcircuit_2008)

---

### Recommended Citation

"Iannone v. JC Penney Co" (2008). *2008 Decisions*. 825.  
[https://digitalcommons.law.villanova.edu/thirdcircuit\\_2008/825](https://digitalcommons.law.villanova.edu/thirdcircuit_2008/825)

This decision is brought to you for free and open access by the Opinions of the United States Court of Appeals for the Third Circuit at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in 2008 Decisions by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 07-2912

---

DONNA IANNONE,  
an individual

v.

J.C. PENNEY COMPANY;  
J.C. PENNEY CORPORATION,  
t/d/b/a J.C. PENNEY;  
FURNITURE BRANDS INTERNATIONAL, INC.;  
LANE FURNITURE INDUSTRIES, INC.;  
ACTION INDUSTRIES, INC.

Donna Iannone,  
Appellant

---

Appeal from the United States District Court  
for the Western District of Pennsylvania  
(D.C. Civil No. 05-cv-00710)  
District Judge: Honorable Gary L. Lancaster

---

Submitted Under Third Circuit LAR 34.1(a)  
June 30, 2008

Before: RENDELL, SMITH and FISHER, Circuit Judges.

Filed: July 18, 2008

---

OPINION OF THE COURT

---

RENDELL, *Circuit Judge*.

Plaintiff, Donna Iannone, appeals the District Court's orders adopting the Report and Recommendation of the Magistrate Judge and entering final judgment in favor of the defendants, J.C. Penney Company, Inc., J.C. Penney Corporation, Inc. t/d/b/a J.C. Penney, (together "J.C. Penney"), Furniture Brands International, Inc., Lane Furniture Industries, Inc., and Action Industries, Inc. In her complaint, Iannone alleged that the defendants were liable for injuries she received from a defective reclining chair that was purchased from J.C. Penney and engineered by Lane Furniture, Inc. and/or Action Industries, Inc., wholly owned subsidiaries of Furniture Brands International, Inc. At the close of discovery, the defendants moved for summary judgment. The Magistrate Judge subsequently issued a Report and Recommendation recommending that defendants' summary judgment motion be granted because the expert testimony offered by Iannone as to causation was not stated with the degree of certainty required under Pennsylvania law to create a genuine issue of material fact for trial. Iannone filed objections to the Report and Recommendation, but the District Court ultimately adopted it and entered final judgment in favor of defendants and against Iannone.

Having reviewed the record, we find the Magistrate Judge's Report and Recommendation well-reasoned and do not find any ground for disturbing or varying from its analysis. Accordingly, we will affirm the order of the District Court for the reasons set forth in the Magistrate Judge's thorough Report and Recommendation.